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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/695,228	
	Filing Date	October 28, 2003	
	First Named Inventor	Steven J. Smith et al.	
	Art Unit	2143	
	Examiner Name		
Total Number of Pages in This Submission	5	Attorney Docket Number	MNDSH-01003US0

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Form 1449 w/copies of 4 references
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Daniel J. Burns Fliesler Meyer LLP	Customer Number: 23910
Signature		Reg. No.: 50,222
Date	4/29/2004	

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Typed or printed name	Brenda J. Dolly		
Signature		Date	4/29/04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Steven J. Smith and Kenneth A. Schmidt

Appln. No.: 10/695,228

Confirm. No.: 4973

Filed: October 28, 2003

Title: SYSTEMS AND METHODS FOR GOVERNING THE  
PERFORMANCE OF HIGH VOLUME ELECTRONIC  
MAIL DELIVERY

PATENT APPLICATION

Art Unit: 2143

Examiner:

Customer No. 23910

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

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Brenda J. Dolly (Signature)  
Name: Brenda J. Dolly  
Signature Date: April 29, 2004

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

***Enclosed with this statement are the following:***

- ✓ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ✓ The present application is being/was filed after June 30, 2003. In accordance with the pre-official gazette waiver of 37 CFR 1.98 (a)(2)(i) posted at: [pac/dapp/opla/preognotice/idswouscopies.htm](http://pac/dapp/opla/preognotice/idswouscopies.htm), copies of cited U.S. patents and publications are not enclosed. However, copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as still required, except for those items designated by an asterisk (\*), which were previously submitted by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an

*Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).

***This statement should be considered because:***

☒ **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

☒ ***Fee Authorization.*** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

FLIESLER MEYER LLP

Date:

4/29/2004

By:



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Form PTO-1449 (Substitute)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Attorney Docket Number <b>MNDSh-01003US0</b>	Serial/Patent Number <b>10/695,228</b>		
<b>Information Disclosure Statement</b> <b>BY APPLICANT</b> <i>(Use several sheets if necessary)</i>				Applicant/Patent Owner <b>Steven J. Smith and Kenneth A. Schmidt</b>			
				Filing/Issue Date <b>October 28, 2003</b>		Group Art Unit <b>2143</b>	
<b>U.S. PATENTS</b>							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	1	5,424,724	Jun. 13, 1995	Williams et al.			
	2	5,487,100	Jan. 23, 1996	Kane			
	3	5,504,897	Apr. 02, 1996	Gans et al.			
	4	5,761,662	Jun. 02, 1998	Dasan			
	5	5,793,497	Aug. 11, 1998	Funk			
	6	5,793,972	Aug. 11, 1998	Shane			
	7	5,835,762	Nov. 10, 1998	Gans et al.			
	8	5,864,684	Jan. 26, 1999	Nielsen			
	9	5,893,099	Apr. 06, 1999	Schreiber et al.			
	10	5,937,162	Aug. 10, 1999	Funk et al.			
	11	5,948,061	Sep. 07, 1999	Merriman et al.			
	12	6,044,395	Mar. 28, 2000	Costales et al.			
	13	6,216,127 B1	Apr. 10, 2001	Gans et al.			
	14	6,289,372 B1	Sep. 11, 2001	Vyaznikov			
	15	6,463,462 B1	Oct. 08, 2002	Smith et al.			
<b>U.S. PATENT PUBLICATIONS</b>							
Examiner Initial		Patent Application Publication Number	Publication Date	Applicant			
	16	2003/0028580 A1	Feb. 06, 2003	KucheraWy			



## PENDING U.S. PATENT APPLICATIONS

Examiner Initial	Application Number	Filing Date	First Named Inventor	Petition to Expunge? Yes   No

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Publication Date	Country	Class	Subclass	Translation Yes   No

## OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

17	Article - "FloNetwork Inc., Prefer Network Team Up," <a href="http://www.emailuniverse.com/list-news/2000/10/18.html">www.emailuniverse.com/list-news/2000/10/18.html</a> , October 18, 2000, 1 page
18	Press Release - "Responsys.com Introduces Responsys Interact 2.0 for Permission-Based Direction on the Internet," <a href="http://www.responsys.com/corporate/about/details_press.asp?id=10">www.responsys.com/corporate/about/details_press.asp?id=10</a> , dated Monday, October 25, 1999, 3 pages
19	Press Release - "L-Soft Announces Release of LSMTPTM Version 1.1b," <a href="http://www.lsoft.com/news/lsmtp">www.lsoft.com/news/lsmtp</a> , dated March 1, 1999, 2 pages
20	Internet Article - "Eight Great Lists Call Topica Home," <a href="http://www.topica.com/about/index.html?mode=eight">The Leader in Email Discussions &amp; Publishing Solutions, www.topica.com/about/index.html?mode=eight</a> , dated July 26, 1999, 3 pages
21	Chapman, D. B., "Majordomo: How I Manage 17 Mailing Lists Without Answering "request" Mail," <u>1992 LISA VI</u> , October 19-23, 1992 - Long Beach, CA, pps. 135-143

Examiner

Date Considered

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*1 = Copy not submitted because it was submitted in prior application SN \_\_/\_\_\_\_, filed \_\_\_\_\_, 20\_\_\_\_, relied on under 35 USC §120.

\*2 = Copy not submitted because it was submitted in prior application SN \_\_/\_\_\_\_, filed \_\_\_\_\_, 20\_\_\_\_, relied on under 35 USC §120.